

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JOSHI TECHNOLOGIES,
INTERNATIONAL, INC.,
an Oklahoma corporation,
Plaintiff,
v.
CONSORCIO PEGASO, an
Ecuadorian unincorporated joint venture
partnership, and CAMPO PUMA
ORIENTE S.A., a Panamanian
incorporated joint venture, and joint
venturer/partner in Defendant
CONSORCIO PEGASO,
Defendants.
)

Case No. 17-CV-359-GKF-FHM

OPINION AND ORDER

Before the court is the Motion for Additional Time to Serve Defendants Under the Inter-American Convention on Letters Rogatory Procedure of plaintiff Joshi Technologies International, Inc. (“JTI”). [Doc. No. 14]. For the reasons stated below, the motion is granted.

Although JTI has already served defendants under U.S. law, JTI requests an additional 12 months to effect service under the Inter-American Convention on Letters Rogatory. Inter-American Convention on Letters Rogatory, Jan. 30, 1975, 28 U.S.C. § 1781. JTI contends that service by letters rogatory is required by Ecuadorian law, and is thus necessary in order to domesticate any future judgment of this court. In support of its motion, JTI offers an affidavit from David F. Garces (“Garces”), an Ecuadorian attorney whom JTI retained to assist in this process. [Doc. No. 15-1]. Garces states that service by letters rogatory is necessary here, and will likely take between 6–12 months due to domestic procedural requirements. [Doc. No. 15-1, p. 2, ¶ 10]; *see also Preparation of Letters Rogatory*, TRAVEL.STATE.GOV,

<https://travel.state.gov/content/travel/en/legal-considerations/judicial/obtaining-evidence/preparation-letters-rogatory.html> (last visited Sept. 25, 2017).

Based on Garces' affidavit, the court concludes that service by letters rogatory is necessary here in order to domesticate any future judgment of this court. *See Ure v. Oceania Cruises, Inc.*, 122 F. Supp. 3d. 1351, 1353–54 (S.D. Fla. Aug. 18, 2015) (relying on an Ecuadorian attorney's affidavit to conclude that Ecuador requires service by letters rogatory). Because this process typically takes between 6–12 months, the court grants JTI's request for an additional 12 months. Service is due on September 25th, 2018.

WHEREFORE, the court grants JTI's Motion for Additional Time to Serve Defendants Under the Inter-American Convention on Letters Rogatory Procedure. [Doc. No. 14].

IT IS SO ORDERED this 25th day of September, 2017.



GREGORY K. FRIZZELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT